

REMARKS

Claims 1-20 are all the claims that are pending in the application.

As a preliminary matter, Applicant submits minor changes to claim 1 as shown above, to clarify the claim. Applicant submits that the amendment of claim 1 does not change the scope of claim 1.

Applicant thanks the Examiner for the telephonic interview on August 21, 2006. During the interview, Applicant argued that claim 1 is patentable because the Takayama reference fails to disclose a recording medium which includes a write-once area and a re-writeable area, as recited in the claims. Applicant also argued that the Takayama reference only discloses having a useful number which allows the tape cassette to be used only in a rewritable, a read only or write once manner.

In response to the Applicant's arguments, the Examiner informed Applicant that he would have to look at the Takayama reference more carefully and possibly conduct a new prior art search in view of the clarifications made by the Applicant. The Examiner, however, noted that claim 2 may have allowable subject matter.

Claims 1-8, 19 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Takayama (U.S. Patent No. 6,674,596; hereinafter "Takayama"). Claims 9-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama. Applicant submits the following arguments in traversal of the claim rejections.

Rejection of Claims 1-8, 19 and 20 under § 102(e) by Takayama

Applicant respectfully submits that claim 1 is patentable because Takayama fails to disclose or suggest each and every element of the claim. Claim 1 recites a recording medium that includes a write-once area and a re-write area, and wherein the cartridge memory holds range information that shows the range of write-once area on the recording medium.

The rejection of claim 1 is based on a misinterpretation of the teachings of Takayama. Specifically, Applicant respectfully submits that the Examiner is confusing Takayama's disclosure of the recording medium with that of the claimed cartridge memory. The Examiner continues to maintain that column 21, line 62 of Takayama discloses a recording medium with a read-only area and a rewritable area. The portion of Takayama cited by the Examiner is claim 7 of Takayama, which depends from claim 1. Claim 7 discloses that "said memory comprises a read-only area and a rewritable area." A proper reading of claim 7 clearly shows that "said memory" refers to a component of the "memory drive means" recited in claim 1, and is separate from the "magnetic tape" disclosed in claim 1.

Applicant's interpretation of claims 1 and 7 is also consistent with the specification of Takayama. At column 13, line 15, Takayama discloses that "[t]he Write protect top address is used to prohibit writing to a predetermined partial area of the MIC and represents the start address of the write-prohibited area. (emphasis added)" Thus, Takayama clearly states that the MIC (memory-in-cassette) contains read-only and rewriteable areas. Takayama is silent on tape memory, or any other recording medium, having both the write-once area and the re-write areas, as recited in claim 1.

In columns 9-11, Takayama discloses the structure of data on the magnetic tape. The embodiment in Figure 6 is described as having “a tape cassette 1, whose use is described as write once read many or WORM (col. 9, ll. 50-52).” This description implies that all of the magnetic tape is either WORM or rewriteable. Takayama further discloses how data is partitioned on the magnetic tape; however, there is nothing to suggest that the partitions differ in whether they are WORM or rewriteable. This interpretation is further confirmed at column 18, line 38, where Takayama describes a tape streamer drive that “can recognize whether the loaded tape is for general use *or* for WORM operation (emphasis added).” A recording medium cartridge in accordance with claim 1 would be for both general use and WORM operation, not one or the other as described by Takayama.

Therefore, Applicant submits that claim 1 is patentable because Takayama fails to disclose or suggest the recording medium including a write-once area and a re-write area, in combination with other elements of the claim.

Claims 2-8, 19 and 20, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

In addition, claim 2 is patentable because Takayama fails to disclose a recording medium cartridge wherein a recording area of the recording medium is divided into a plurality of sections, . . . , the section behind the boundary region identified by the unique identification number is either one of the write-once area and the re-writable area. With this claim recitation, the rejection of claim 1 or 2, or both, are not supportable given that the memory drive means is cited as corresponding to the recording medium in the rejection of claim 1, while the magnetic tape is cited as corresponding to the recording medium in the rejection of claim 2.

Rejection of Claims 9-18 under § 103(a) over Takayama

Applicant submits that claims 9-18, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

In addition, Applicant respectfully submits that claims 9-18 are patentable because a prima facie case of obviousness has not been established. The Office Action does not mention the necessary motivation for modifying the teachings of Takayama to render claims 9-18 obvious. To justify the obviousness rejection, the Examiner took “Official Notice” that magnetic disks, optical tape, and optical disks as recording media are recognized equivalent methods for storing data. See pages 4-5 of Office Action. Examiners are permitted to take Official Notice, but when so doing, the Examiner “must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.” MPEP §2144.03(B). In this case, the Examiner has merely concluded that the various types of recording media recited in claims 9-18 are obvious. Because of this deficiency, Applicant respectfully requests the Examiner to provide a reference in support of his contention, or, if he is relying solely on personal knowledge, that he provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding in accordance with 37 CFR 1.104(d)(2).

Lacking any motivation to modify Takayama, claims 9-18 are patentable over Takayama for reasons in addition to the patentability of claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

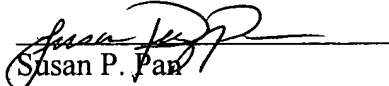
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